

**MINUTES OF THE
CITY PLANNING COMMISSION
FEBRUARY 2, 2007
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:03 a.m.

Commission Members:

Present: Caleb Faux, Jacquelyn McCray, Milton Dohoney, Rainer vom Hofe, James Tarbell and John Schneider

Community Development and Planning Staff: Margaret Wuerstle, Bonnie Holman, Katherine Keough-Jurs, Caroline Kellam, Jennifer Walke, Rodney Ringer, Steve Briggs, Adrienne Cowden and Mo Adlon.

Law Department:

Julia Carney

Mr. Faux introduced newly appointed Planning Commission member, John Schneider. Mr. Schneider was sworn in by Mr. Lenny Adkins.

APPROVAL OF MINUTES

Submission of the minutes from the January 19, 2007 Planning Commission meeting for approval.

Motion:	Ms. McCray moved approval of minutes.
Second:	Mr. Tarbell
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. vom Hofe and Mr. Schneider
Nays:	None, motion carried

Mr. Dohoney arrives at 9:06 a.m.

Mr. Tarbell requested that item #10 be presented as a Discussion Item.

Ms. McCray requested that items #11 & #12 be presented as Discussion Items.

CONSENT ITEMS

- ITEM #1** A report and recommendation on dedicating, accepting, and confirming the dedication of a parcel of City-owned land (known as Auditor's parcel 51-3-236) to public use for street purposes as an addition to Marburg and Alamo Avenues.
- ITEM #2** A report and recommendation on dedicating, accepting, and confirming the dedication of a parcel of City-owned land (known as Auditor's parcel 98-5-235) to public use for street purposes as an addition to McMillan Street and McMicken Avenue.
- ITEM #3** A report and recommendation on the sale of surplus City-owned real property located at 170 Goethe Street to Sara Aschliman and Brian Aschliman LLC, which real property is no longer needed for any municipal purpose.
- ITEM #4** **REMOVED FROM AGENDA**
- ITEM #5** A report and recommendation on dedicating, accepting, and confirming the dedication of a parcel of City-owned land (known as Auditor's parcel 223-3-173 and 582-1-191) to public use for street purposes as an addition to Spring Grove Avenue.
- ITEM #6** A report and recommendation on dedicating, accepting, and confirming the dedication of a parcel of City-owned land (known as Auditor's parcel 1-3-311) to public use for street purposes as an addition to Beechmont Avenue.
- ITEM #7** A report and recommendation on dedicating, accepting, and confirming the dedication of a parcel of City-owned land (known as Auditor's parcel 118-1-145) to public use for street purposes as an addition to Paddock Road and Laidlaw Avenue.
- ITEM #8** A report and recommendation on authorizing the grant of two permanent easements in Vaughn Street to Corryville Community Development Corporation, one easement for private drainage, building overhang and private utilities, the second easement for private drainage.
- ITEM #9** A report and recommendation on authorizing the sale of surplus City-owned real property located on the southwest corner of Eastern Avenue and St. Peters Street to Kenneth J. Welsh.

ITEM #12A A report and recommendation on an ordinance authorizing the sale of surplus City-owned property located on Chase Avenue in Northside for new housing development.

Motion: Mr. Tarbell moved approval of Items #1 – 3, Items #5 - 9, and Item #12A
Second: Ms. McCray
Ayes: Mr. Faux, Ms. McCray, Mr. Dohoney, Mr. Tarbell, Mr. vom Hofe and Mr. Schneider
Nays: None, **motion carried**

DISCUSSION ITEMS

ITEM #10 A report and recommendation on authorizing the City Manager to enter into a Lease Agreement with the Art Academy of Cincinnati for City-owned Rodney Alley between 12th and 13th Streets.

Ms. Jennifer Walke, Senior Planner, presented this item.

BACKGROUND:

The City owns Rodney Alley between 12th and 13th Streets. The Art Academy of Cincinnati owns the property abutting Rodney Alley on which it operates an art school. The Art Academy has petitioned to lease Rodney Alley in order to close it off at both ends, thereby reducing criminal and nuisance activity within the alley. Rodney Alley is too narrow to allow vehicular traffic use. A Lease Agreement with terms acceptable to the Art Academy and the Administration has been finalized. The ordinance authorizes the City Manager to enter into a five-year lease with the Art Academy, with rights of renewal. An appraisal performed by Real Estate Services has determined that the fair lease value of Rodney Alley is \$450.00 per year. However, since Rodney Alley serves no public transportation purpose, and since its closure will reduce criminal and nuisance use, it will be leased for \$1.00 per year.

RECOMMENDATION:

Department of Community Development and Planning staff recommended that City Planning Commission take the following action:

AUTHORIZE the City Manager to enter into a Lease Agreement with the Art Academy of Cincinnati for the City-owned Rodney Alley between 12th and 13th Streets in the community of Over-the-Rhine, which property is not needed for any municipal purpose during the term of the lease.

DISCUSSION

Mr. Tarbell asked the length of the proposed lease. Ms. Walke explained that the lease would be for five years with the option to extend for two additional five-year terms. The extensions would renew automatically.

Motion: Mr. Tarbell moved approval of Item #10
Second: Ms. McCray
Ayes: Mr. Faux, Ms. McCray, Mr. Dohoney, Mr. Tarbell, Mr. vom Hofe and Mr. Schneider
Nays: None, **motion carried**

Ms. McCray requested that items #11 & 12 be presented and discussed concurrently.

ITEM #11 A report and recommendation on a Subdivision Improvement Plan for the Corbin Park Subdivision located on the east side of Corbin Street between Humbert Court and Eastern Avenue in the neighborhood of East End.

Ms. Adrienne Cowden, Senior Planner, presented Items #11 and #12.

BACKGROUND:

The City Planning Commission is being asked to approve the Subdivision Improvement Plan for the Corbin Park Subdivision. Lee A. Knuppel & Associates, civil engineers, has submitted a Subdivision Improvement Plan for the Corbin Park Subdivision on behalf of Revolution Properties, the owner and developer. The plat has been approved by all reviewing agencies.

The subject property is located on the east side of Corbin Street between Eastern Avenue and Humbert Court, a 15' wide alley. Schmidt Memorial Field is located east of and adjacent to the Corbin Park Subdivision. The subdivision contains 10 new lots. The property is zoned Commercial Neighborhood-Mixed (CN-M) and Riverfront Residential/Recreational District (RF-R). CN-M Zoning Districts are mixed commercial-residential areas requiring a minimum of 700 square feet (or .0160 acre) for newly created residential lots. RF-R Zoning Districts mix residential uses into current public and semi-public land uses; this zoning designation requires newly created lots to be a minimum of 4,000 square feet (or .0918 acre) in size.

SUBDIVISION:

The Plat of Subdivision illustrates 10 new lots, all of which Revolution Properties will develop with a new single-family residence. Lots 1 through 9 will have primary frontage on a new private drive, Corbin Park Court. Lot 10 will front onto Eastern Avenue. All 10 lots are in excess of 4,000 square feet in size, with the largest lot encompassing 5,420 square feet. The improvement plan includes a new private drive named Corbin Park Court with new sidewalks along Corbin Street.

RECOMMENDATION:

The Department of Community Development & Planning staff recommended that the City Planning Commission authorize the development of Corbin Park Subdivision to

proceed finding that the plans conform to the Subdivision Regulations and comply with the requirements of all reviewing agencies.

ITEM #12 A report and recommendation on a Plat of Subdivision, Record Plat, for the Corbin Park Subdivision located on the east side of Corbin Street between Humbert Court and Eastern Avenue in the neighborhood of East End.

BACKGROUND:

The City Planning Commission is being asked to approve the Plat of Subdivision, Record Plat, for the Corbin Park Subdivision. Lee A. Knuppel & Associates, civil engineers, has submitted a Plat of Subdivision, Record Plat, for the Corbin Park Subdivision on behalf of Revolution Properties, the owner and developer. The plat has been approved by all reviewing agencies.

The subject property is located on the east side of Corbin Street between Eastern Avenue and Humbert Court, a 15' wide alley. Schmidt Memorial Field is located east of and adjacent to the Corbin Park Subdivision. The subdivision contains 10 new lots. The property is zoned Commercial Neighborhood-Mixed (CN-M) and Riverfront Residential/Recreational District (RF-R). CN-M Zoning Districts are mixed commercial-residential areas requiring a minimum of 700 square feet (or .0160 acre) for newly created residential lots. RF-R Zoning Districts mix residential uses into current public and semi-public land uses; this zoning designation requires newly created lots to be a minimum of 4,000 square feet (or .0918 acre) in size.

SUBDIVISION:

The Plat of Subdivision illustrates 10 new lots, all of which Revolution Properties will develop with a new single-family residence. A portion of the subdivision, lots 1 through 9, will front onto Corbin Park Court, a private drive while lot 10 will front onto Eastern Avenue. All 10 lots are in excess of 4,000 square feet in size.

The plan includes a new private drive named Corbin Park Court with new sidewalks along Corbin Street. A 30' permanent water easement, a 20' permanent sewer easement and 48' wide utility easement have been provided along Corbin Park Court for the installation of underground utilities. As required by the Metropolitan Sewer District and Subdivision Regulations a homeowners association (HOA) will maintain the private drive of Corbin Park Court.

RECOMMENDATION:

The Department of Community Development & Planning staff recommended that the City Planning Commission approve the proposed Plat of Subdivision, Record Plat, for the Corbin Park Subdivision finding that the plat conforms to the Subdivision Regulations and has the approval of all reviewing agencies.

DISCUSSION

Mr. Tarbell left the meeting at 9:07 AM.

Ms. Cowden presented a brief overview of the proposed development of the Corbin Park Subdivision. She stated that the subdivision would contain 10 new lots. In response to Ms. McCray's question, Ms. Cowden stated that she did not know the total size of the site.

Motion: Ms. McCray moved approval of Items #11 and 12.
Second: Mr. vom Hofe
Ayes: Mr. Faux, Ms. McCray, Mr. Dohoney, Mr. vom Hofe and Mr. Schneider
Nays: None, **motion carried**

ITEM #13 A report and recommendation on the closure of the Collins Avenue Right-of-Way/Collins Avenue Stairway in East Walnut Hills.

Mr. Faux recused himself from Item #13 and turned the chair over to Ms. McCray.

Ms. Katherine Keough-Jurs, Senior Planner, presented this item.

Mr. Tarbell returned to the meeting at 9:11 AM.

BACKGROUND:

In November 2005, residents of Keys Crescent in East Walnut Hills requested closure of the Collins Avenue Stairway between William Howard Taft Road and Keys Crescent.

In response, the City's Department of Transportation and Engineering (DOTE) postponed the repairs planned for the stairway in 2006 and began the Stairway Closure Process that is required by City Council.

As required by the policy, DOTE submitted a report to City Council that:

- Presented general information on Hillside Stairways;
- Provided the policy adopted by City Council to consider closure or removal or stairways;
- Provided background information about the Collins Avenue Stairway specifically;
- Reported the results of the information-gathering portion of the process; and,
- Submitted a recommendation to City Council.

The recommendation was for the stairway to remain open.

City Council considered several actions regarding the request for closure:

- A Motion was adopted September 7, 2006 to close the Collins Avenue Stairway for a period of five years to measure their impact on public safety.
- A Motion was adopted September 20, 2006 directing the City to retain ownership of the Collins Avenue right-of-way for the duration of the five-year closure.

On October 18, 2006, City Council also Approved and Filed two reports from the City

Administration stating that 1) the right-of-way would not be vacated or sold and would continue to support water sewer, and overhead utilities during closure; and, 2) the Police Department would gather crime statistics both before and after the closure and report back to City Council in late 2011 on the impact of the closure on public safety.

On December 12, 2006, the City Solicitor requested that the Chief Planner submit the closure of the Collins Avenue Right-of-Way/Collins Avenue Stairway to City Planning Commission for its review and consideration, as required by Article VII, Section 5, of the City Charter.

PUBLIC COMMENT:

In January 2006, DOTE began the Notification and Information Gathering Phase of the Hillside Stairway Closure/Removal Policy and Procedure. Signs were posted on the stairway for a period of four months giving a contact number for citizens to call to express their opinion about the proposed closure. Surveys were mailed to over 700 neighborhood residents, businesses, schools and other potentially interested parties to gather additional input. A Coordinated Report was circulated to City agencies, utility owners, and Community Councils to gather input.

The results of the Information Gathering Phase showed that the East Walnut Hills Community Council was in support of closure and the East End Community Council opposed the closure. In total, approximately 60% of those responding to the surveys opposed closure (89 out of 152).

Those favoring closure cited:

- Crime
- Litter
- Security concerns
- Support for adjacent property owners

Those opposing closure indicated that:

- They used the stairway as access to public transportation or to the business district
- Its closure would lead to loss of business
- The stairway is an important link between neighborhoods and part of the transportation network
- They used the stairway for exercise

The results of the Information Gathering Phase are detailed more specifically in DOTE's report to City Council.

To ensure that all interested parties were aware of the City Planning Commission's review of this issue, Planning Staff sent notice using the same 700-person mailing list used by DOTE in the Information Gathering Phase. This list included the property owners within 400 feet of the stairs, as is required by City Planning Commission policy. Planning Staff also notified the East Walnut Hills Area Assembly, the East End Community Council, and the Evanston Community Council (the O'Bryonville business

district is located within the Evanston neighborhood). Planning Staff also notified those who testified on this issue at the Vibrant Neighborhoods, Environment and Public Services Committee last fall.

ANALYSIS:

Cincinnati's public stairway system is an important element of the City's overall transportation network. As DOTE states in their June 28, 2006 report to City Council: "Second only to Pittsburgh in the number of public stairways, Cincinnati has more than 400 sets of stairways climbing its many hillsides. These pathways, spread throughout 48 communities, provide pedestrian access to homes, businesses, bus routes, churches, schools, parks, recreations centers, playgrounds, and other destinations. In some cases, they provide the only means of access; in nearly all cases, they reduce pedestrian travel time, support the City's transportation system, and are an important cultural resource."

Because these public stairways are so important, the City has defined a policy and process for review of any stairway proposed for closure. DOTE followed the City's Hillside Stairway Closure/Removal Policy and Procedure and, as a result, recommended that the stairway remain open. DOTE stated as part of their rationale: "Public access, including hillside steps, is generally a benefit and consistent with a walkable and connected community. A good pedestrian system can also promote visibility and safety, a sense of community, and physical health. Stairways are an extension of the sidewalk to allow connections across Cincinnati's challenging terrain. Sidewalks are integral to an urban environment. Whenever possible and reasonable, maintaining pedestrian access is preferable." Further, DOTE recommended that the repairs to the stairway, already budgeted for 2006, begin as soon as possible.

Those in support of closure identified crime, litter and other security concerns as the primary reasons for supporting closure. Concerns about crime should, indeed, be seriously considered as safety and perception of safety dramatically influence the quality of life for residents in our neighborhoods. The City's Police Department initially indicated that a review of crime statistics showed no evidence of crime coming from or leading to the stairway. However, on June 9, 2006 Police Chief Thomas Streicher stated in a memo to Eileen Enabnit, Director of DOTE, that the Police Department supported the closure, citing an increase in crime in the neighborhood and evidence of drinking and sexual activity along the stairway. The memo also indicated that the physical condition and location of the stairs could be factors contributing to crime. DOTE's report suggested that the planned improvements, which included clearing much of the encroaching vegetation and ensuring that the stairway is well-lit, may help deter undesirable activity. It was also recommended that DOTE work with the Cincinnati Police Department and the Community Police Partnership Center to incorporate concepts of Crime Prevention Through Environmental Design (CPTED) into the design of the stairway improvements.

Recognizing that physical improvements alone are not the only option to improve safety or the perception of safety, the report recommended that the Police Department continue to work cooperatively with the Neighborhood Watch Program to monitor this area. The

Community Councils can also work with their Community Problem Oriented Policing (CPOP) Teams to target this area.

An act as drastic as closing a stairway should be considered with great caution, and should be considered only when no other alternative is reasonably available. In this situation, stairway improvements are budgeted, DOTE has expressed a willingness to incorporate CPTED concepts into the design, and the Police Department and surrounding neighborhoods can continue to work closely to propose strategies and monitor the area. Closing the Collins Avenue Right-of-Way/Collins Avenue Stairway without first attempting to repair it or mitigate safety issues may also set an unwise precedent with regard to future requests regarding other stairways or any other part of the City's transportation network.

CONCLUSIONS:

1. Cincinnati's public stairway system is an important element of the City's overall transportation network.
2. The Department of Transportation and Engineering followed the City's Hillside Stairway Closure/Removal Policy and Procedure and, as a result, recommended that the stairway remain open and repairs and monitoring begin as soon as possible.
3. Closing a public stairway should be considered as a final alternative only, and closure without first attempting other solutions might set an unwise precedent with regard to future requests regarding the City's transportation network.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommended that City Planning Commission take the following action:

Deny the closure of the Collins Avenue Right-of-Way/Collins Avenue Stairway in East Walnut Hills.

DISCUSSION

Ms. Keough-Jurs gave an overview of her staff report regarding the requested closure of the Collins Avenue Right-of-Way/Collins Avenue Stairway. She provided a map and pointed out the location of the steps, the Keys Crescent neighborhood and nearby streets. She explained that in September 2006 the City Council moved to temporarily close the steps for a five-year period. Then in December 2006, the City Solicitor requested that the Chief Planner submit the closure of the Collins Avenue Right-of-Way/Collins Avenue Stairway to City Planning Commission for its review and consideration.

Mr. vom Hofe asked if the vote by the City Council to close the steps remained in effect. Ms. Julia Carney, City Law Department, stated that the City Council would be required to take a vote on the Planning Commission's recommendation.

Ms. Keough-Jurs stated that there were residents in attendance that represented both sides of the issue. One side would like the steps to be closed citing crime, a perception of fear,

safety issues and low use. The other side would like the steps to remain open citing the important transportation link, use for shopping and school and promotion of a healthy lifestyle.

Ms. Keough-Jurs stated that the staff and the Planning Commissioners should consider the facts that the Collins Avenue Stairway is a part of the City's transportation system, a pedestrian link and an important cultural resource. Closure of the steps should be a last resort and options for keeping the stairway open have not been fully explored.

Mr. vom Hofe asked if there was any guarantee that if the steps remained closed for five years that it would be possible to reopen them. Mr. Tim Jamison, DOTE, stated that \$250,000 is budgeted annually for repair and maintenance of the City stairway system. He explained that the stairway is not likely to deteriorate substantially in five years and would be able to be reopened.

Mr. Tarbell asked how DOTE prioritized stairway repair and maintenance and if additional safety measures had been considered. Mr. Jamison explained that every stairway was visually inspected a minimum of once every three years. Any resident complaints would elicit additional inspections and a higher priority. In regards to safety, the overgrown vegetation can be cleared out and possibly additional lighting installed.

Mr. vom Hofe asked how many lights there were and if they were sufficient. Mr. Jamison answered that there were approximately three lights and that the steps were fairly well lit. Mr. Schneider asked about the width of the right-of-way. Mr. Jamison stated that the right-of-way was 40 feet wide but explained that there were private easements that narrowed in some areas.

Mr. Jack Martin, DOTE, stated that a possible option to increase security would be to use flash cameras. He stated there is a program that provides the cameras at no charge. The City would be responsible for installing and maintaining them. He explained that the cameras can be activated by motion or sound and takes photographs of possible criminals. He added that residents could install fences up to six feet in height without a variance and/or install lighting on their property.

Mr. Schneider asked who would be responsible for the cost of fencing. Mr. Martin stated that the City's first choice would be that the residents provide their own fencing for their property. He explained that if the City fenced the entire corridor, it would form a 900 foot tunnel and create safety concerns for pedestrians.

Mr. Dohoney asked if there was an increase in reported crime or if there was an increase in the perception of crime. Ms. Keough-Jurs stated that initially the Police Department determined that there was not a substantial increase in crime in the neighborhoods near the Collins Street steps. After talking with residents, the Police recommended closure due to crime.

Ms. Adrienne Cowden, Senior Planner, stated that a portion of the Collins Street Steps are located within the East Walnut Hills Historic District. She explained that residents would need to obtain a Certificate of Appropriateness prior to installing fences, lighting or any other exterior work.

Lt. Col. Richard Janke, Cincinnati Police Department, stated that it was difficult to attribute crime to the Collins Street Steps. He stated that Police consider the steps to be little used, poorly lighted and overgrown with dense brush. He explained that it would be very difficult to secure the area and that if cameras were installed, they would be hard to maintain and easily defeated by criminals. Mr. vom Hofe asked if neighborhood crime has been directly linked to the steps. Lt. Col. Janke stated that unless a true correlation was made, Police couldn't determine the relationship of increased crime and the steps. He said that there have not been any arrests and he could only discuss the perception of crime. Ms. McCray asked if crime in the neighborhoods has increased in the past 18 months. Lt. Col. Janke stated that neighbors felt that crime had increased but that he did not have proof of that claim.

Ms. Margaret Mathile, 1875 Keys Crescent Lane, stated that she moved into the neighborhood with her family in 2002. She said that initially she did not report all of the crimes committed on her property. She stated that she had cameras installed on the exterior of her home and presented a video that showed people trying to break into her home and cars.

Mr. Tarbell stated that there were no Police reports on the Mathile home. He also said he received a letter from Ms. Rahe, a resident of Keys Crescent Lane, and that there were no Police reports on her home. He stated that there was fear and an impression of crime but nothing on paper. Ms. Mathile stated that she knew of an instance where a neighbor reported a crime and that it did not show up on the Police reports.

Mr. Dohoney asked Ms. Mathile if she felt that closing the steps would eliminate crime in her neighborhood. Ms. Mathile responded that she felt closing the steps would not completely eliminate crime but that the City and neighborhoods needed to work on a crime prevention program. She added that she would not feel safe running or walking the Collins Street steps.

Mr. Tim Burke, attorney with Manley Burke, representing neighbors opposed to the closure of the steps, stated that the temporary closure of the steps by the City Council is illegal. He stated it was symptomatic of the diminished Planning Commission and City Planning Department. He stated that the City Charter makes it clear that any change in a public way must be brought before the City Planning Commission. Mr. Burke said that he did not dispute that crimes have been committed. He stated that he found on the City's website six incidences of crime in the neighborhoods adjacent to the steps in the last year. He noted that the last four of those were committed after the steps were closed. He stated that there has not been any indication of crime on the steps themselves. He said the steps were a historic public way, purchased by the City in 1907 and used for exercise,

access to shopping and schools. He said that he wanted to send a strong message to the City Council regarding the importance of Planning.

Ms. Charlotte Davis, Taft Street resident, stated that the steps have been there a long time and there has not been any proof that criminals have accessed neighborhoods using the steps. She said that there are many entrances and exits to the Keys Crescent neighborhood. She stated that she did not feel the steps correlated to the crime in the neighborhood and that the steps should be cleaned up and opened. She said the video shown to the Commissioners show that security systems are working.

Ms. Kathy Farro, Planner with Manley Burke, distributed a report to the Commissioners outlining the historical significance and uniqueness of the Collins Street steps. She noted that the steps are noted in the book "Walking the Steps" and read a portion from the book that was included in her report. She explained that some residents use the steps to access bus lines that connect the neighborhoods more expediently to downtown and other areas in Cincinnati.

Mr. Doug Davis, Board Member of the East Walnut Hills Assembly, stated that he felt that the worn and well-packed paths attested to the frequent use of the steps. He stated that the steps are a City asset and an East Walnut Hills asset and their closure would set a bad precedent. Mr. Schneider asked Mr. Davis when he felt the steps were last in good enough repair. He said that about twenty years ago they were in good repair and that in his opinion maintenance was inadequate for many years. Mr. Schneider asked if the lack of maintenance and erosion resulted in less frequent use of the steps. Mr. Davis responded that he knew of students that used the steps daily to travel to school.

Mr. Justin Pool, East Walnut Hills resident, stated that he supported keeping the steps open. He suggested that a proper entryway to the steps would help increase use. He also stated that the steps were a testimony to the planners of Cincinnati 100 years ago and that they should remain open.

Laura Davis, long-time East Walnut Hills resident, stated that she had used the steps on a daily basis to travel to school. She named several neighborhood children that had similarly used the steps and stated that walking should be encouraged to maintain a healthy lifestyle. Ms. Davis stated that erecting a fence on her property was helpful in increasing security. Mr. Schneider stated that Ms. Mathile stated earlier that she would be afraid to use the path. He asked how it was that Ms. Davis and other neighborhood children felt comfortable using the path. Ms. Davis stated that she had lived in the neighborhood for 33 years and had never heard of anyone being attacked on the steps. She stated that she supported reopening the steps.

Mr. Mark McKinney, East Walnut Hills resident, stated that he lives at the bottom of the steps and has used the steps many times and even has taken children on nature walks there. He stated he supports keeping the steps open.

Mr. David Doepke, long-time East Walnut Hills resident, stated that he locks his doors and cars because he knows people will be out at night looking for opportunities to commit burglaries. He stated that he felt the benefits of the steps were the connection of neighborhoods, access to Madison Road for schoolchildren, healthy lifestyle and the historic value. He urged the Planning Commissioners to keep the steps open.

Ms. Lori Keleher, currently building a home on Collins Street, stated that she supports keeping the steps open. She said that there are many options that have not been fully explored and that rules or signs do not stop criminals. Mr. vom Hofe agreed that a closed sign would not stop criminals from using the steps. He asked what methods DOTE would use if the steps were closed either temporarily or permanently. Mr. Jamison stated that a fence would be erected at the top and bottom of the steps and signage would alert individuals that the steps were closed..

Ms. Betty Burns, representative of the East End Area Council, stated that many people in the area depend on public transportation to get to school, work and stores. The steps are used to access bus transportation out of the valley. She stated that the East End Area Council was not able to list the Collins Steps as a high priority because the steps are located in East Walnut Hills. She urged the Commissioners to keep the steps open.

Mr. Gerry Burns, resident of East Walnut Hills, stated that he had used the steps for 40 years. He said he felt that wealthy and powerful people convinced the city to close the viaduct and hopes that does not happen again with the Collins Street Steps. The steps are part of the City's heritage and transportation system.

Mr. C. Francis Barrett, attorney representing residents of the Keys Crescent neighborhood, stated that he thought the issue was resolved by the City Council with the five-year closure. He stated that he felt that was a good compromise and according to his understanding of the City Charter, this issue did not need to come to the Planning Commission. If the city was vacating the steps, then the issue would have to be reviewed by the Planning Commission but not for a temporary closure. He stated that there is no historical significance to the steps and that the City frequently closes public sidewalks for safety reasons. He said the steps have low usage, that the Kleinveld Steps are located nearby and are better lighted. O'bryanville can be accessed from Torrence Parkway.

Mr. Schneider left the meeting at 11:10 AM.

Mr. J. B. Ryan, Keys Crescent resident, stated that his family has owned property at the top of the steps for over 60 years and only wants the steps closed for safety reasons. He stated that the O'bryanville Business Association supports closure of the steps. He also stated that there are 51 sets of steps in the City that are rated as being in poor condition. Of those, 75% have been closed or abandoned. He stated that in 1999, City Council closed three sets of steps due to safety concerns. One of the steps closed was the Klotter Street steps. He said that it is not economically sensible to spend money to repair the little used steps. He added that the geography of the land makes the use of the steps as an exit from the neighborhood attractive to criminals.

Ms. McCray asked why the Klotter Street steps were closed and about the topography of the area. Mr. Jamison, DOTE, answered that the three sets of steps that were closed were in extremely poor condition, and were not as steep as the Collins Street steps. They also contained more steps and less paths. The areas around the steps were much more difficult to traverse than the area surrounding the Collins Street steps.

Mr. Schneider returned to the meeting at 11:18 AM.

Mr. Tom Finn, Annwood Lane resident, reiterated that the O'bryanville Business Association supports closure of the steps. He also said that he knew of neighbors that experienced crime and said that he felt closure of the steps would reduce crime.

Mr. Dohoney leaves the meeting at 11:21 AM.

Mr. Ed Phetzing, Vice President of the East Walnut Hills Assembly, stated that he supports closure of the steps. He said that in his 30 years on the Assembly, no one has ever asked to prioritize the Collins Street Steps. He said the Kleinview steps are nearby. Mr. vom Hofe asked if the Collins Street Steps were repaired if they would look similar to the Kleinview steps. Mr. Jamison stated that the Kleinview steps are cast in concrete and similar to modern steps. Additionally, the Collins Steps have more path area than actual steps. Mr. vom Hofe asked Mr. Phetzing if he felt that crime would decrease if DOTE erected fences at the top and bottom of the path. Mr. Phetzing responded that the criminals would find it difficult to carry stolen items over a fence.

Mr. Schneider asked how the quality of the walk on the Kleinview steps compared to the Collins Street steps. Mr. Jamison responded that the Kleinview steps are steeper and more urban while the Collins steps are more of a parkway path.

Mr. Dohoney returns at 11:25 AM.

Ms. Melissa Fox, East McMillan resident and member of the East Walnut Hills Assembly, stated that the Collins Street steps are a long pathway and that the Kleinview steps are preferable. She stated that she felt the issue was crime vs. convenience.

Mr. Ken Segal, East Walnut Hills resident stated that the East Walnut Hills Assembly has for years tried to clean up the neighborhood and that perception is important. He stated that criminals consider the steps to be an easy exit from the neighborhood and that closing the steps would protect residents. He said there are other steps nearby and perhaps changes in the bus system would be beneficial.

Mr. Tarbell leaves the meeting at 11:28 AM.

Mr. Bob Dearth, Keys Crescent resident, distributed information to the commissioners and stated that there were other steps and paths nearby. He used maps and photographs to illustrate alternative routes. He contrasted pictures of the nearby steps to the Collins

Street steps. He noted that the additional distance to the Kleinview steps was negligible and should not be a deterrent to closing the steps. Mr. Schneider suggested that perhaps people walked through the Keys Crescent neighborhood and the Collins Street steps area because of the beauty. Mr. Dearth responded that it's not very scenic but he's proud to be in a historic district. He stated that residents would need an 8 foot fence to limit access through the woods. He felt that there was no evidence that the City was willing to improve the steps.

Mr. Tarbell returns at 11:30 AM.

Ms. Kathy Fischer, Keys Crescent resident, stated that she agreed with previous neighbors statements regarding support of closing the Collins Street steps. She added that if the City had an annual budget of \$250,000 for all of the steps in the City, there would only be \$625.00 per set of steps annually for maintenance.

Ms. Mary Ann Ryan, Keys Crescent resident, stated that she and her family are constantly dealing with criminals. She said that the Police told her that the criminals are most likely armed. She stated that she does not understand why the walkers want to keep the steps open. She said the opposition has very little stake since many do not live in the neighborhood.

Mr. Michael Kelley, Keys Crescent resident, distributed photographs to the Commissioners. He stated that he has lived in his home for 10 years and that his property is fenced, walled and gated. He stated that he has reported crimes that did not appear on Police reports. He stated that he feels the Collins Steps is a safe haven for criminals. He stated that 10 out of 12 property owners on Collins Street have had break-ins. You can not report a crime without an address and the Collins Street steps do not have an address. He said that he felt the use of the steps was very low and that residents in the immediate area have safety concerns.

Lt. Col. Janke stated that the police would take a report of crime committed on the steps and that they would assign an address to the crime report.

Mr. Tim Bushnell, resident of Clifton that works on Torrence Ave, stated that the entrances to the steps are difficult to see and are not marked. He stated that the Planning Commission should keep a vision of the future and that the usage of the steps could increase when the river trail comes through. He stated it is out of the way to use the Kleinview steps for many people and that the traffic on Torrence Parkway goes very fast and therefore, it is not a safe place to walk.

Mr. Dohoney asked if there had been past instances where steps were temporarily closed and then reopened. Mr. Martin stated that if the closure was for repairs than the steps were reopened. Mr. Tim Jamison stated that when the steps are closed by petition, there has not been an instance where they have been reopened. Mr. Dohoney then stated that a closure based on a Council motion is then a defacto permanent closure.

Ms. McCray asked why the City Council decided to close the steps for 5 years.

Mr. Tarbell stated that it was an arbitrary number and that he felt like a five-year closure would render the steps closed permanently. He said he felt a compromise of a 2-year closure would allow time to determine the crime statistics. He stated that the Planning Commission should not turn their backs on the City's resources and let criminals dictate their course. He suggested that City Council might support a 2-year closure. He also said that the City should get busy and decide on how they will address the crime and maintenance of the steps

Mr. Tarbell moved to recommend a 2 year closure for the Collins Street steps.

Mr. vom Hofe stated that he felt the Commissioners should take an opposite approach. He recommended repairing the steps, performing proper maintenance and then monitoring crime. He stated that he feared a temporary closure would become permanent.

Mr. Schneider stated that he was struck by the speaker that said the issue was crime vs. convenience. He said he felt that the loss of convenience had been proven but that proof of crime related directly to the steps had not.

Mr. Schneider moved adoption of the Staff Report.

Mr. Dohoney stated that the Collins Street steps have been the most divided issue in his tenure with the City. He stated that this is an issue of both crime and a perception of crime. He said that Police will not be doing foot patrols on the steps and that perhaps some lighting could be added. He explained that although people closest to the steps feel they should have more voice, the steps are not just for them. He stated that he was concerned that in five years the budget might not allow for the reopening of the steps. He supported the 2 year closure and he added that the immediate stakeholders deserved some consideration.

Ms. McCray stated the Kleinview steps were one quarter of a mile from the Collins Street steps. Mr. Dohoney stated that that distance would be considerable for children.

Ms. McCray asked if a one-year closure would be sufficient to collect necessary data. Mr. Schneider stated that the data might not be adequate and that the more abandoned the row becomes the bigger the crime issue becomes. Mr. Tarbell asked DOTE staff if a one or two year closure would make a difference statistically. Mr. Martin stated that obtaining measurable crime statistics would be difficult in any of the time frames. He added that if the steps are closed there is no maintenance and the neighborhood is left with a "no-man's land". He added that more traffic inhibits crime.

Mr. Tarbell stated that there is no effective way to completely close the steps and that any closure would not be an effective deterrent to criminals. He stated that he would like to honor the people who have worked to make positive changes in the City. He stated that

he hoped that all of the energy put into this issue would be applied to improving the neighborhoods. He suggested that when a community is fully engaged improvements start to happen and hoped that the community would stay engaged in helping to resolve this issue.

Motion: Mr. Schneider moved approval of Item #13 as recommended by the Staff Report
Second: Mr. Dohoney
Ayes: Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. vom Hofe and Mr. Schneider
Nays: Mr. Dohoney, **motion carried**

Ms. Wuerstle inquired about the quorum for the February 16th Planning Commission meeting since Mr. Dohoney, Mr. Schneider and Mr. Tarbell would not be able to attend. Mr Faux, Mr. vom Hofe and Ms. McCray said that they would be attending the February 16th meeting.

Ms. Wuerstle also informed the Commissioners that the first meeting of the Zoning Code Amendment Committee was scheduled for February 7, 2007 at 3:00.

ADJOURN

Motion: Mr. Dohoney moved to adjourn
Second: Ms. McCray
Ayes: Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. vom Hofe and Mr. Schneider
Nays: None, **motion carried**

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____

Date: _____